

Docket #: 66016.111

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

System and Method for Audio Control

the specification of which

is attached hereto
 was filed on _____
 as United States Application No. _____
 as PCT International Application No. _____
 and was amended on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Earlier Filing Date Benefits

Prior Foreign Application - I hereby claim foreign priority benefits under 35 U.S.C. 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Number Country _____ Filing Date (mm/dd/yyyy) _____

§ 119(e) Priority - I hereby claim the benefit under 35 U.S.C. 119(e) of the United States Provisional application(s) listed below:

Application Number _____ Filing Date _____

§ 120 Priority - I hereby claim the benefit under 35 U.S.C. 120 of any United States Application(s) listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| | | |
|--------------------|-------------------|------------------------------|
| 09/439,937 | November 12, 1999 | Received Notice of Allowance |
| Application Number | Filing Date | Status |

Applicant hereby revokes all previous powers of attorney and appoints Robin A. Brooks, Reg. No. 44563, my patent attorney of the Brooks Law Firm, LLC, having an address at 25 Highland Park

Village, Suite 100-515, Dallas, Texas 75205, telephone 214.762.4647, with full power of substitution and revocation, to prosecute the applications identified on the attached Exhibit "A" and to transact all business in the Patent and Trademark Office connected therewith.

Please address all correspondence relating to this application to:

Robin A. Brooks
Brooks Law Firm, LLC
25 Highland Park Village, Suite 100-515
Dallas, Texas 75205
Telephone: 214-762-4647
Facsimile: 214-526-8850
Customer Number: 502723

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | |
|---|---------------------------|
| Full Name of Inventor: Malcolm David Mac Farlane | Citizenship: U.S |
| Inventor's Signature: <i>Malcolm David Mac Farlane</i> | Date: SEPTEMBER 2 2003 |
| Residence Address: 421 CHERRY JACKSONVILLE, TX 75766 | Post Office Address: |

Applicant or Patentee: M. David MacFarlane
Serial or Patent No. 09/439,937
Filed or Issued:
Title: SYSTEM AND METHOD FOR AUDIO CONTROL

Attorney's Docket No.: 066016.0103

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c)) -- SMALL BUSINESS CONCERN**

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: Applied Electronics Technology, Inc.
Address of Small Business Concern: 1604 O Keefe Road, Jacksonville, TX 75766

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled SYSTEM AND METHOD FOR AUDIO CONTROL by inventor(s) M. David MacFarlane, described in the specification filed herewith.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e):

NONE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or my maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: M. David MacFarlane

Title of Person if other than owner: President

Address of Person Signing: 1604 O Keefe Road
Jacksonville, Texas 75766

Signature: M. David MacFarlane

Date: 11-08-99

Applicant or Patentee: M. David MacFarlane
Serial or Patent No: 09/439,937
Filed or Issued:
Title: SYSTEM AND METHOD FOR AUDIO CONTROL

Attorney's Docket No.: 066016.0103

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(b)) -- INDEPENDENT INVENTOR

As below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office regarding the invention entitled SYSTEM AND METHOD FOR AUDIO CONTROL.

the specification filed herewith.
 application serial number _____, filed _____
 patent number _____, issued _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below.

No such person, concern, or organization
 Persons, concerns or organizations listed below

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: Applied Electronics Technology, Inc.
ADDRESS: 1604 O Keefe Road, Jacksonville, Texas 75766

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR: M. David MacFarlane

Signature of Inventor: M. David MacFarlane

Date: 11-08-99